

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**
Case No. 1:22-cv-24023-SCOLA/GOODMAN

KENNETH C. GRIFFIN,)
)
Plaintiff,)
)
v.)
)
INTERNAL REVENUE SERVICE, <i>et al.</i> ,)
)
Defendants.)
)

**UNOPPOSED MOTION TO STAY
DEADLINE TO RESPOND TO AMENDED COMPLAINT**

Defendants the United States of America and the Internal Revenue Service move to stay the deadline for Defendants to respond to the Amended Complaint in light of Plaintiff Kenneth C. Griffin's pending Unopposed Motion for Leave to File Second Amended Complaint (ECF No. 50). In support of this motion, Defendants aver:

1. On October 27, 2023, Plaintiff filed the Amended Complaint. ECF No. 47.
2. Defendants are required to file a response to the Amended Complaint by November 13, 2023. *See Fed. R. Civ. P. 15(a)(3)* ("Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.").
3. On November 9, 2023, Plaintiff filed the Unopposed Motion for Leave to File Second Amended Complaint. ECF No. 50. If the Court grants that motion, the

Amended Complaint will be moot, and the United States will have 14 days from the date Plaintiff files the Second Amended Complaint to file a response. *See Fed. R. Civ. P. 15(a)(3).*

4. Good cause exists to stay the deadline for the United States to respond to the Amended Complaint because that document will be moot if the Court grants Plaintiff's pending unopposed motion.

WHEREFORE, Defendants request that the Court stay Defendants' deadline to respond to the Amended Complaint until the Court decides the Unopposed Motion for Leave to File Second Amended Complaint.

CERTIFICATE OF GOOD FAITH CONFERENCE

Pursuant to Local Rule 7.1(a)(3), undersigned counsel conferred with Plaintiff's counsel on November 9, 2023, and Plaintiff's counsel advised that they do not oppose the relief requested in this motion.

Dated: November 9, 2023

Respectfully Submitted

DAVID A. HUBBERT
Deputy Assistant Attorney General

/s/ Mary Elizabeth Smith
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CERTIFICATE OF SERVICE

I hereby certify that on November 9, 2023, I filed a copy of the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification to counsel of record.

/s Mary Elizabeth Smith
MARY ELIZABETH SMITH
Trial Attorney
U.S. Dept. of Justice, Tax Division